

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 9/23/11

STEPHANIE PARKS,

09 Civ. 3079 (JGK)

Plaintiff,

MEMORANDUM OPINION  
AND ORDER

- against -

NY STATE OFFICE OF TEMPORARY DISABILITY  
AND ASSISTANCE,

Defendant.

---

JOHN G. KOELTL, District Judge:

The Court has received the attached application for the appointment of counsel. The Court of Appeals for the Second Circuit has articulated factors that should guide the Court's discretion to appoint counsel to represent an indigent litigant under 28 U.S.C. § 1915. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). For the Court to order the appointment of counsel, the plaintiff must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See id. Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain representation independently, and his ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity."

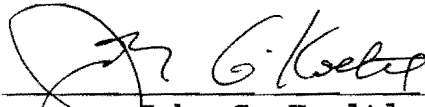
Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir.

1989). The plaintiff has failed to show that her claims are likely to have merit, and the application for the appointment of counsel is therefore **denied** without prejudice.

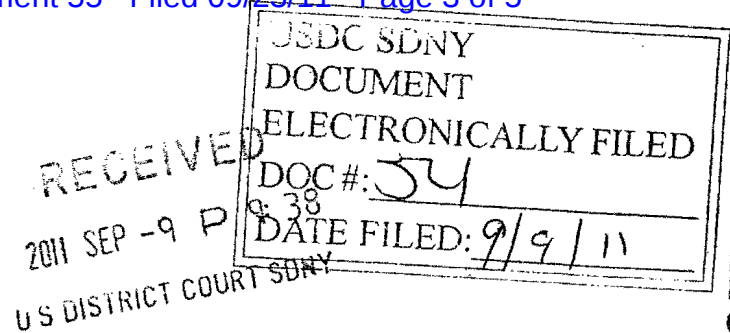
The Court has also received the attached request for an extension of the stay on these proceedings in order for the plaintiff to secure new counsel. The plaintiff's request for an extension of the stay is **granted**. The stay will be extended until **October 24, 2011**.

**SO ORDERED.**

**Dated:** New York, New York  
September 22, 2011

  
\_\_\_\_\_  
John G. Koeltl  
United States District Judge

PO Box 10047  
Newark, NJ 07101  
September 9, 2011



Hon. John G. Koeltl  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 12B  
New York, NY 10007 - 1312

09 civ. 3079 (JGK) (AJP)

Dear Honorable Judge Koeltl:

I am requesting an Emergency Four Week Extension of the STAY to secure adequate legal representation.

To date, I have received no response from Your Honor's Court regarding this request and my call to the office of your Deputy has not been returned. AS of 4:00 pm, on today, Friday, September 09, 2011, I have received no correspondence from your court. I left a message as recently as Thursday, September 8, 2011 at 3:57pm.

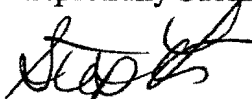
I am still reaching out to law firms and advocacy groups for assistance and awaiting response, guidance and or assistance with respect to my need for help to clean up this case in lieu of having no funds for retainer. The Bar Association and Legal Services still indicate there is no such assistance available for a person in my position with the type of case that I am trying to rectify.

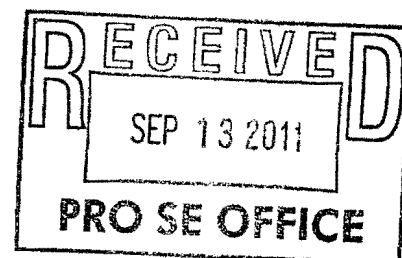
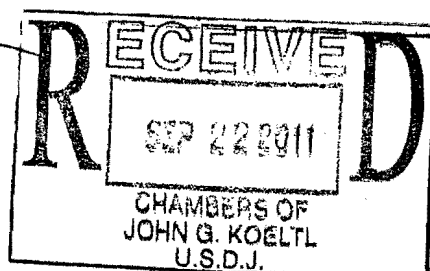
If you will recall, upon my request when Attorney Gray was sending only portions of my file, I requested a minimum of ninety (90) days in order that I may reconstruct the file that was sent in total disarray; I am still reconstructing that file. (Documents and pictures have been forwarded to your court) **It took three Motions to Return my file before all that I am aware of was returned; I am still not sure if all items have been returned to me.**

I am a poor person and am trying to work within the parameters set forth by the courts. **I am trying to get help with a case wrought with severe problems after of four years of very poor representation, including failing or refusing to cite all issues, request evidence and address all of aspects of this case by my previous attorney.**

I know that you and all that work in your court are busy, therefore, I thank you for taking the time to review this request and I pray that this good court will yield every consideration and allow me the Emergency Four Week Extension of Time for the STAY. I thank you for your kind patience and good spirit in helping me to deal with this matter.

Respectfully Submitted,

  
Stephanie L. Parks  
No. 09 civ. 3079  
(347) 661- 2227



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHANIE PARKS

PLAINTIFF

(In the space above enter the full name(s) of the  
plaintiff(s)/petitioner(s).)

-against-

NY STATE OFFICE OK  
TEMPORARY DISABILITY  
AND ASSISTANCE  
DEFENDANT

(In the space above enter the full name(s) of the  
defendant(s)/respondent(s).)

RECEIVED  
SDNY PRO SE OFFICE

2011 SEP 13 PM 3:43

RECEIVED

2011 SEP -9 P 9:36

U.S. DISTRICT COURT SDNY

09 Civ. 3079 JGK/AJP

APPLICATION FOR THE  
COURT TO REQUEST  
PRO BONO COUNSEL

I, STEPHANIE PARKS, (print or type your name) am a party in this case and cannot afford an attorney. I ask the Court to request *pro bono* counsel to represent me in this action. I understand that even if the Court grants this application, I will receive *pro bono* counsel only if an attorney through Court's *Pro Bono* Program volunteers to take my case and that there is no guarantee that an attorney will volunteer to represent me.

1. In support of my application, I provide the following information: (Use additional paper if necessary.)

A. Have you asked the Court to request *pro bono* counsel in this case before? If yes, when were your prior applications filed and what has changed in the status of your case since you last asked the Court to request *pro bono* counsel?

NO.

B. Requests for *pro bono* counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of the case. What has happened in your case that demonstrates the potential merit of your case?

I WAS POORLY REPRESENTED BY FORMER ATTY.  
ROBIN J. GRAY - 4 YRS. BECAUSE SHE RAILED  
OR REFUSED TO ADEQUATELY REPRESENT ME ... NOW,  
A.J. PELIC RULED THAT ATTY. GRAY RETURN 65%  
OF THE MONEY I GAVE HER TO DEFEND ME -  
SO FAR ... NO ONE IS WILLING TO REPRESENT  
ME BECAUSE OF THE MESS THIS CASE IS NOW  
IN WITHOUT A 5,000 - TO 15,000 - RETAINER

RECEIVED

Explain why you need an attorney in this case.

2011 SEP - 9  
 U.S. DISTRICT COURT  
 WAS POORLY REPRESENTED BY ROBIN GRAY WHO  
 TOOK 4 YRS TO DRAG OUT CASE, DODGE DEPOSITIONS,  
 REFUSE / FAIL TO REQUEST EVIDENTIARY DOCUMENTS  
 THAT WOULD HAVE WON CASE. HAVE DONE ADJUDICATION  
 ON MY OWN - HANDED TO AMY GRAY WHO STILL REFUSED  
 TO ACT. NO LAWYERS WILL TOUCH HESSY CASE.

- D. Explain what steps you have taken to find an attorney and with what results.  
 (Please identify the lawyers, law firms or legal clinics you have contacted and  
 their responses to your requests. If you have limited access to the telephone,  
 mail, or other communication methods, or if you otherwise have had difficulty  
 contacting attorneys, please explain.)

CONTACTED: NYS BAR ASSOC - NO ASST. AVAIL. FOR FED. EMP. LAW CASE  
 LONG LEGAL SVCS / NY: NJ = NO ASST. AVAIL.  
 LIST SETON HALL LAW PROFESSORS FOR GUIDANCE / NO HELP / RESPONSES  
 (JACOBS: KARAN), ATTY. JACK TUCKWET - SMALL FIRM - REFERRED TO  
 SHOULD I BAR ASSOC.; ATTY. WM. SIPSET; GIBSON, DUNN, MCKO - REF. TO  
 FORWARD MAKE TOO? REG. PRO. NO ASSOC. - DO NOT TAKE CASES W/O JUDGE ASSIGNMENT

- E. If you need an attorney who speaks a language other than English, state what  
 language(s) you speak:

2. In further support of my application, I declare that (check appropriate box):

- ☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case, and it  
 is a true and correct representation of my current financial status.
- ☐ I have not previously filed a Request to Proceed *In Forma Pauperis* in this case,  
 and now attach an original Request to Proceed *In Forma Pauperis* detailing my  
 financial status.
- ☐ I have previously filed a Request to Proceed *In Forma Pauperis* in this case,  
 however, my financial status has changed. I have attached another Request to  
 Proceed *In Forma Pauperis* showing my current financial status.

3. I understand that if an attorney volunteers to represent me and that attorney learns that I  
 can afford to pay for an attorney, the attorney may give this information to the Court.
4. I understand that if my answers on this application are false, my case may be dismissed.
5. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 09/09/11

  
 Signature